

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Food Lion, LLC, and Maryland and
Virginia Milk Producers Cooperative
Association, Inc.,

Plaintiffs,

v.

Dairy Farmers of America, Inc.,

Defendants.

Case No. 1:20-cv-00442

DAIRY FARMERS OF AMERICA, INC.'S
MOTION TO SEAL CONFIDENTIAL DOCUMENTS

Defendant Dairy Farmers of America, Inc., (“DFA”), pursuant to Local Rule 5.4 and the Supplemental Protective Order entered on August 31, 2020 (ECF No. 51), hereby move the Court for leave to file its Objections to the October 6, 2020 Order on DFA’s Motion for Protective Order and exhibits in support under seal. In support of the instant motion, DFA states as follows:

1. DFA has prepared and is filing Objections to the October 6, 2020 Order on DFA’s Motion for Protective Order (the “Objections”).
2. In support of the Objections, DFA seeks leave to file the following documents under seal:

Exhibit 1 – Excerpts from a Maryland and Virginia Milk Producer’s Cooperative Association, Inc. (“MDVA”) Strategic Plan, dated Nov. 13 and 14, 2019;

Exhibit 2 – A March 30, 2018 email exchange between Evan Kinser at Dean Foods and Mike John at MDVA.

3. DFA also seeks leave to file under seal the portions of the Objections that describe the contents of these Exhibits.

4. Plaintiff MDVA has designated Exhibits 1 and 2 as “Highly Confidential – Outside Counsel Eyes Only” under the Protective Order (ECF No. 50).

5. Due to the extent of MDVA’s confidentiality designations, redaction is not practicable.

6. DFA conferred with MDVA on October 20, 2020, prior to filing this motion, to determine its position on sealing.¹ MDVA indicated that it intended to ask the Court to file the documents under seal.

7. MDVA will have 14 days from the filing of this motion to file a brief setting forth the information specified in paragraph 3(c) of the Supplemental Protective Order.

¹ DFA was unable to confer with MDVA two days prior to filing the documents, as counsel did not make a final decision to include the exhibits until October 20, 2020.

WHEREFORE, DFA respectfully requests that the Court enter an appropriate order on this motion for leave to file under seal.

This the 20th day of October, 2020.

Respectfully submitted,

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